IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 9299 of 2007(F)

PETITIONER:

U.K.ABHILASH, S/O. U.DIVAKARAN,
AGED 30 YEARS, PEON, PADANNAKKARA BASIC
U.P.SCHOOL, PINARAYI, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHY, TRIVANDRUM.

3. THE DISTRICT EDUCATIONAL OFFICER,
THALASSERY, KANNUR DISTRICT.

4. THE ASSISTANT EDUCATIONAL OFFICER,
THALASSERY NORTH SUB DISTRICT,
KANNUR DISTRICT.

5. THE MANAGER,
PADANNAKKARA BASIC U.P.SCHOOL, PINARAYI,
KANNUR DISTRICT.

6. SRI. K.E.SREEDHARAN,
UPPER PRIMARY SCHOOL ASSISTANT (LEAVE VACANCY),
PADANNAKKARA BASIC U.P.SCHOOL, PINARAYI,
KANNUR DISTRICT.

BY ADV. SRI.R.K.MURALEEDHARAN
SR. GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT.P1: TRUE COPY OF THE DECISION REPORTED IN 2004 (2) KLT 899

EXHIBITP2: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P. © NO.18486/2006-A

EXHIBIT.P3: TRUE COPY OF THE ORDER NO.3695/2006 OF THE ASST. EDUCATIONAL OFFICER.

RESPONDENTS EXHIBITS:

EXHIBIT R5 (a) TRUE COPY OF THE APPEAL PREFERRED BEFORE THE 3RD RESPONDENT DATED ....10.2006.

EXHIBIT.R5(b) TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 27.02.2006

EXHIBIT R5 (c) TRUE COPY OF THE ORDER DATED 5.6.2006

EXHIBIT R5 (d) TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 19.12.2006

EXHIBIT R5 (e) TRUE COPY OF THE REVISION DATED 10-1-2007

/TRUE COPY/

P.A. TO JUDGE

A.K. BASHEER, J.

W.P.(C). NO. 9299 OF 2007

Dated this the 7th day of June, 2007

J U D G M E N T

Having heard learned counsel for the parties and having perused the materials placed on record I am of the view, to which the learned counsel on either side also agree, that the writ petition can be disposed of with the following directions.

(a) Respondent No.3, the District Educational Officer, Thalassery, shall hear and dispose of Ext.R5(a) keeping in view Ext.P1 judgment, as expeditiously as possible, at any rate, on or before July 10, 2007. The appeal shall be posted for hearing on July 3, 2007,on which date learned counsel for the parties agree that their respective clients will appear before the officer concerned. Anyhow, respondent No.3 shall ensure that parties are heard before orders are passed.

(b) Respondent No.2, the Director of Public Instructions, shall hear and dispose of Ext.R5(e) filed by respondent No.6 strictly on its merit and in accordance with law with notice to the petitioner and the manager apart from respondent No.6 as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. If any revision comes up before respondent No.2 as against the order to be passed by respondent No.3 on Ext.R5(a) appeal, it shall also be heard along with Ext.R5 (e) with notice to all concerned.

The writ petition is disposed of in the above terms.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007